

MINUTES
WV RACING COMMISSION
Monday, November 14, 2011 10:00 A.M.
Mardi Gras Racetrack

The WV Racing Commission met on November 14, 2011, at 10:00 AM to conduct business and consider administrative matters. Roll call was taken and present were Chairman Joe Smith with Commissioner Greg McDermott via conference call. Counsel was represented by Kelli Talbott and Anthony Eates.

Approval of October 21, 2011 Minutes

The Commissioners and both attorneys received the minutes from the October 21, 2011, meeting prior to this meeting. Mr. McDermott moved to accept the minutes, Chairman Smith seconded the motion. The Commissioners approved the October 21, 2011 minutes by unanimous consent.

Approval of Charles Town 2012 live race days

Upon motion by Mr. McDermott, seconded by Chairman Smith, the Commission agreed to 235 live race days, including the addition of 3 days, per Erich Zimny. Mr. Zimny added that the Charles Town Classic will begin at 5:00 PM next year.

Occupational permit reinstatement – Todd Kilmer

Upon motion by Mr. McDermott, seconded by Chairman Smith, the Commission agreed to defer any decision until the next Commission meeting, allowing time for more research on the final disposition on the court record for the attempted murder felony.

Hiring of Jason Elliott, Charles Town test barn

Upon motion by Mr. McDermott, seconded by Chairman Smith, the Commission agreed to hire Mr. Elliott, following his resignation from his outside veterinarian hospital employment. Chairman Smith reiterated that he will not allow dual employment, where there may be a conflict.

Office of Technology presentation and cost information for technology upgrades

Upon motion by Mr. McDermott, seconded by Chairman Smith, the Commission agreed to defer any decision until more pricing breakdown is complete and further breakdown on the phases of development programs, with costs. WVRC's Larry Carraher has been instructed to

work with OT on what's best for each of the phases, for security, priorities, and upgrades. Chairman Smith wants input from the Commissioners as well. Chairman Smith also requested Larry put the cost spreadsheet on the WVRC web page.

Update, background check issues – racing official background checks

Jon Amores, WVRC Executive Director, relayed that Art Wood, WVRC head investigator, is in the process of obtaining background checks for all racing officials. Also, there will be discussions to work in combination with the Lottery on random investigations of the 1000's of occupational permits, and all new applicants. It will be a subject discussed with the rule making committee and attorneys.

Wheeling Island request, 6 – 7 dogs per race

Upon motion by Mr. McDermott, seconded by Chairman Smith, the Commission agreed to the lowering the number of dogs per race, only in marathon races, and as a last resort. The motion included giving bonus points to attract additional dogs to the marathon races. The alternative would be no race, if not enough dogs. Commissioner Smith noted the Commission's duty is to promote racing, stating that if there is abuse of using fewer dogs per race as only a last resort, the WV Racing Commission may revoke the contract.

Wheeling Island request, approval of 2012 kennel contract / WV Kennel Owners' Association

Upon motion by Mr. McDermott, seconded by Chairman Smith, the Commission approved the contract. Ms. Horvath held a meeting with kennel owners following the deferment of the contract approval at October's Commission meeting. The WV Kennel Owners' Association requested a portion of the simulcast moneys in the contract and more input in the language of the contracts. Counselor Eates clarified the statute: the Commission's essential responsibility is that it cannot allow a violation of the rules of racing. Jim Simms, President of Wheeling Island, said kennel contract negotiations are an internal business decision of the company, and that it has negotiated in good faith with the kennel owners. Its best offer is embodied in the contract.

Approval of Mardi Gras 2012 kennel contracts

Upon motion by Mr. McDermott, seconded by Chairman Smith, the Commission approved the contract, as presented by Mike Staats.

Approval of Mardi Gras 2012 live race days

Upon motion by Mr. McDermott, seconded by Chairman Smith, the Commission approved the schedule of race days. Mr. Staats noted there will be 365 performances over a 313 day period.

Request of Mardi Gras to change post time

Upon motion by Mr. McDermott, seconded by Chairman Smith, the Commission approved the change from 7:30 PM post time to 7:00 PM and the 1:30 PM matinee to 1:00 PM, as presented by Mr. Staats.

Approval to hire State Veterinarian at Mountaineer Track

Upon motion by Mr. McDermott, seconded by Chairman Smith, the Commission agreed to the hiring of Beth Albrecht. Mr. Amores expressed the Racing Commissions' sincere appreciation to Dr. Day and Dr. Gall for their help in conducting pre-race exams during the vet shortage.

Approval of Wheeling Island 2012 live race days

Upon motion by Mr. McDermott, seconded Chairman Smith, the Commission approved schedule of race days. Ms. Horvath stated the changes are dark on Monday, Tuesday matinee, changing the matinee post time to 2 PM, leaving the evening post time at 7:30 PM.

Capital improvement request, Charles Town Races, \$5,275 for emergency gate repairs

Upon motion by Mr. McDermott, seconded by Chairman Smith, following Ms. Carnefix's acknowledgement that the funds are available, the Commission approved the request.

Update – Charles Town Races, adding 10th race for 18 live race days

Upon motion by Mr. McDermott, seconded by Chairman Smith, the Commission approved the additional race. Mr. Zimny noted the addition is due to cancelations of racing in October.

Request from Breeders' Classics, Ltd. For renewal of contract

Upon motion by Mr. McDermott, seconded by Chairman Smith, Commission approved the renewal. Ms. Holden acknowledged the second highest handle at the history of the event at the 25th Breeders Classic. The contract will be signed by the Commissioners at a later time.

Thanks – Mardi Gras Facebook racing promotion

Mr. Amores acknowledged Mardi Gras' efforts highlighting the promotion of racing on their Facebook web page. He suggests all the tracks do the same.

Adjournment

The next Racing Commission meeting is set for December 19, 2011, at 10 AM at the Mountaineer Racetrack.